

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MICHAEL D'URSO,
ANTONELLA CHIARAMONTE, and
JAY GARNOCK,

Defendants.

Order of Restitution

21 Cr. 652 (JSR)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Andrew Jones and Jane Chong, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendants' convictions in this case; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Michael D'Urso, Antonella Chiaramonte, and Jay Garnock, the defendants, shall pay restitution in the total amount of \$9,594,481, pursuant to 18 U.S.C. §§ 3663 & 3663A to the victims of the offenses for which they have been convicted in this case, in the apportioned amounts set forth below. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several among Michael D'Urso, Antonella Chiaramonte, and Jay Garnock, the defendants; with Robert Lenard Booth and Jerome Austin, who were previously

convicted in case 21 Cr. 652 (JSR); and with any co-conspirators later convicted and ordered to make restitution in this matter. Each defendant's liability to pay restitution shall continue unabated until either the defendant has paid the full amount of restitution ordered herein, or every victim in Schedule A has recovered the total amount of each loss from the restitution paid by the defendants in this matter.

<u>Defendant</u>	<u>Apportioned Amount of Restitution</u>
Michael D'Urso	\$8,402,214.67
Antonella Chiamonte	\$2,250,769.07
Jay Garnock	\$3,988,424.00

B. Apportionment Among Victims

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Restitution shall be paid to the victims identified in the Schedule of Victims, attached hereto as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendants shall pay restitution in the manner and according to the schedule that follows:

Michael D'Urso: While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid in monthly installment payments of at least ten percent of the defendant's gross income, payable on the first of each month, beginning on the defendant's second month of supervised release.

Antonella Chiaramonte: In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendant will commence monthly installment payments of at least fifteen percent of the defendant's gross income, payable on the first of each month, beginning on February 1, 2023.

Jay Garnock: While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid in monthly installment payments of at least ten percent of the defendant's gross income, payable on the first of each month, beginning on the defendant's second month of supervised release.

3. Payment Instructions

The defendants shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendants shall write his/her name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability


The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

6. Sealing

Consistent with 18 U.S.C. §§3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of victim(s), the Schedule of Victims, attached hereto as Schedule A, shall be filed under seal, except that copies may be retained and used by or disclosed to the listed victims, the Government, the investigating agency, the Clerk's Office, and the Probation Office, as needed to effect and enforce this Order, without further order of this Court.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 
Andrew Jones / Jane Chong
Assistant United States Attorneys

March 9, 2023
DATE

MICHAEL D'URSO

By: _____
Michael D'Urso

DATE

By: _____
John Maccarone, Esq.
Attorney for Michael D'Urso

DATE

ANTONELLA CHIARAMONTE

By: _____
Antonella Chiaramonte

DATE

By: _____
Donald Yannella, Esq.
Attorney for Antonella Chiaramonte

DATE

JAY GARNOCK


By: _____
Jay Garnock

DATE

By: _____
Thomas Ambrosia / Lorraine Gauli-Rufo, Esqs.
Attorneys for Jay Garnock

DATE


SO ORDERED:


HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

5/16/23
DATE

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 
Andrew Jones / Jane Chong
Assistant United States Attorneys

March 9, 2023
DATE

MICHAEL D'URSO

By: [Confirmed by Mr. Maccarone on 5/16/23]
Michael D'Urso

DATE

By: _____
John Maccarone, Esq.
Attorney for Michael D'Urso

DATE

ANTONELLA CHIARAMONTE

By: 
Antonella Chiaramonte

DATE

By: Donald Yannella
Donald Yannella, Esq.
Attorney for Antonella Chiaramonte

3/24/2023
DATE

JAY GARNOCK

By: _____
Jay Garnock

DATE

By: _____
Thomas Ambrosia / Lorraine Gauli-Rufo, Esqs.
Attorneys for Jay Garnock

DATE

SO ORDERED:

HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

DATE

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: *AWJ*
Andrew Jones / Jane Chong
Assistant United States Attorneys

March 9, 2023
DATE

MICHAEL D'URSO

By: _____
Michael D'Urso

DATE

By: _____
John Maccarone, Esq.
Attorney for Michael D'Urso

DATE

ANTONELLA CHIARAMONTE

By: _____
Antonella Chiaramonte

DATE

By: _____
Donald Yannella, Esq.
Attorney for Antonella Chiaramonte

DATE

JAY GARNOCK

By: S/ Jay Garnock
Jay Garnock

3/22/2023
DATE

By: *Lorraine Gauli-Rufo*
Thomas Ambrosia / Lorraine Gauli-Rufo, Esqs.
Attorneys for Jay Garnock

3/22/2023
DATE

SO ORDERED:

HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

DATE